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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE December 5, 2014 LOCAL EFFECTIVE DATE December 19, 2014 APPROX FINAL EFFECTIVE DATE January 9, 2015	CONTACT/PHONE Brandi Cummings, Project Planner (805) 781-1006	APPLICANT Day / J.Tenbroeck	FILE NO. DRC2014-00012
SUBJECT Hearing to consider a request by John Day / J. Tenbroeck Inc. for a Minor Use Permit/Coastal Development Permit to allow the construction of a 2,650 square-foot, three-level single family residence with an 840 square-foot attached garage and approximately 447 square feet of deck area. The project will result in the disturbance of approximately 3,600 square feet on a 3,600 square-foot vacant residential parcel. The proposed project is within the Residential Single Family land use category and is located at 3263 Shearer Avenue, approximately 0.3-mile southeast of the Old Creek Road and Highway 1 intersection, in the community of Cayucos. The site is located in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/ Coastal Development Permit DRC2014-00012 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption was issued on October 1, 2014 (ED14-094).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Geologic Study Area	ASSESSOR PARCEL NUMBER 064-427-046	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Resource Capacity and Service Availability, Building Height, Setbacks, Lot Coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Grading Adjustment <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/vacant parcel <i>South:</i> Residential Single Family/residences <i>West:</i> Residential Single Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Building Division, Cayucos Fire, Cayucos Sanitary District, County Service Area 10 (Cayucos Water), and the California Coastal Commission.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: County Service Area 10 (Cayucos Water) Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire	ACCEPTANCE DATE: October 1, 2014

DISCUSSION

The applicant is proposing to build a 2,650 square-foot, three-level single family residence with an 840 square-foot attached garage and approximately 447 square feet of deck area. The property is currently vacant and is surrounded by single family residences. The project is located at 3263 Shearer Avenue, in the community of Cayucos. As outlined below, the proposed project is consistent with the Cayucos Urban Area Standards of the Estero Area Plan as well as applicable Coastal Zone Land Use Ordinance standards and general plan policies.

PLANNING AREA STANDARDS

Cayucos Urban Area Standards

Communitywide

- A. Resource Capacity and Service Availability.** Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project. *Staff comment: This project complies with this standard because the applicant submitted intent-to-serve letter from the County Service Area 10 (Cayucos Water), dated September 10, 2014. The project will be conditioned to obtain a conditional will serve letter from Cayucos Sanitary District prior to construction permit issuance (Anita Rebich, Cayucos Sanitary District, Aug 19, 2014).*
- F. Setbacks.** The following special setbacks apply: Front - 10 feet, Side – 3 feet, Rear – 5 feet. *Staff comments: This project complies, with setbacks as follows: 10 feet (front), 3 feet (sides), 20 feet (rear).*

Combining Designations

- A. Geologic Study Area.** A geologic report prepared by a certified engineering geologist is required for hillside development. *Staff comment: This project complies with this standard because applicant submitted an Engineering Geologic Investigation dated September 12, 2014. In a memo dated September 12, 2014, County Geologist Brian Papurello indicated that he reviewed the geologic investigation and concurs with its findings and conclusions.*

Residential Single Family

B. Height Limitation. New development shall not exceed 28 feet (above average natural grade) unless a more restrictive height limitation is specified. *Staff comment: This project complies with this standard. The overall residence is proposed at 28 feet high, above average natural grade.*

C. Outside of Community Small-Scale Design Neighborhoods

1. **Building Face Height and Setback.** The maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be as shown in the following table, and the minimum setback from that building face to the next higher story shall be six feet.

Average Slope of Lot Prior to Grading (Percent)	Maximum Height of Front and Rear Building Face From Finished Grade (Ft.)
Less Than 20	22
20 and Greater	24

Staff comments: This project complies with this standard. The average slope of the lot is 28%; therefore, the allowable maximum building face height is 24 feet from finished grade. The proposed residence has a solid front building face of 22 feet above the finished grade, and a solid rear building face of 17 feet above the finished grade.

2. **Lot Coverage.** The maximum building footprint of all structures, including garages and carports, shall be 50 percent of the total area of the site. All covered decks, and the portions of uncovered decks and balconies that extend into any required setback, shall be included in the building footprint. *Staff comments: The project complies with this standard. The proposed lot coverage is 1,793 square feet (<50 percent) of the 3,600 square foot lot.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.05.034(b)(3): Grading Adjustment

Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:

- (i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.

- (ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.
- (iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.
- (iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

Staff comments: Construction of the proposed residence would necessitate grading on slopes between 20% and 30%. The proposed project complies with this standard because it is not located in close proximity to streams or wetlands and, as conditioned, the applicant will be required to submit grading, drainage, and sedimentation and erosion control plans for review and approval before issuance of construction and/or grading permits. The parcel does not contain a feasible building site on slopes less than 20%.

Section 23.07.084: Geologic Study Area Combining Designation

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. *Staff comment: This project complies with this standard because applicant submitted an Engineering Geologic Investigation dated September 12, 2014. In a memo dated September 12, 2014, County Geologist Brian Papurello indicated that he reviewed the geologic investigation and concurs with its findings and conclusions.*

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒

Policy No(s): 7, 8, 9, 10 and 11

Visual and Scenic Resources: ☒

Policy No(s): 2

Hazards: ☒

Policy No(s): 1 and 2

Archeology: N/A

Air Quality: N/A

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Staff comment: This project complies with this standard because the applicant submitted intent-to-serve letter from the County Service Area 10 (Cayucos Water), dated September 10, 2014. The project will be conditioned to obtain a conditional will serve letter from Cayucos Sanitary District prior to construction permit issuance (Anita Rebich, Cayucos Sanitary District, Aug 19, 2014).

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent, except existing lots of record in the Residential Single Family category and where a residence cannot be feasibly sited on a slope less than 20 percent. *Staff comment: The proposed project complies with this policy because the site has a uniform slope with an average of 28% and does not contain a feasible building site or adequate building areas where slopes less than 20%.*

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. *Staff comment: The proposed project is consistent with this policy because it is conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. *Staff comment: The proposed project is consistent with this policy because the applicant is conditioned to apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. *Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required the San Luis Obispo County Public Works department.*

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. *Staff comment: The proposed project is consistent with this policy because site grading has been designed to retain groundwater on-site to the extent feasible.*

Visual and Scenic Resources

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever, possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created 'pockets' to shield development and minimum visual instruction. *Staff comment: This project complies with this standard because the project does not significantly affect the visual quality as seen from major public corridors due to the viewing distances from public roads, including Highway 1.*

Hazards

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and

designed to minimize risks to human life and property. *Staff comment: The project complies with this standard because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability. Staff comment: The project complies with this standard because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability. The County geologist, Brian Papurello reviewed the submitted geological reports (Geosolutions, Engineering Geologic Investigation, August 6, 2014) and finds the conclusions and recommendations appropriate for the project site and development (LandSet Engineers, LLC, Review of Engineering Geologic Investigation, September 12, 2014).

COMMUNITY ADVISORY GROUP COMMENTS:

Cayucos Citizens Advisory Council (CCAC) – The CCAC Land Use Committee reviewed and supported the project during their meeting on September 24, 2014.

AGENCY REVIEW:

Public Works – Per Tim Tomlinson 8-29-14: *The proposed project is within a drainage review area. A drainage plan showing how the run-off from this hillside and structure will be handled after it leaves the site is required. The project appears to not meet the applicability criteria for a Stormwater Management (it creates or replaces less than 2500 sf of impervious area). Therefore no Stormwater Control Plan is required.*

Cayucos Fire – *No comment.*

California Coastal Commission – *No response.*

Cayucos Sanitary District – Per Anita Rebich 8-19-14: *A conditional sewer will-serve letter will be required for this project.*

Building Department – Per Charles Riha 8-26-14:

- 1. All plans and engineering shall be prepared by a California Licensed Architect of Record unless exempted by the Business and Professions Code.*
- 2. The project is subject to a construction permit as well as the newly adopted 2013 California Codes.*
- 3. The project will require a full soils report for the design of all building foundations at the time of construction permit application submittal.*
- 4. The project is subject to the California State Title 24 energy laws.*
- 5. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.*
- 6. A fire sprinkler system will be required per County ordinance Title 19.*

LEGAL LOT STATUS:

The one existing parcel is Lot 52 in Block 15 of Morro Strand Unit No. 3 according to map recorded December 6, 1928 in Book 3, Page 112 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Brandi Cummings and reviewed by Schani Siong and Airlin Singewald.